

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

DANBURY CELLULAR TELEPHONE CO., A)	
CONNECTICUT CORPORATION D/B/A CELLULAR)	
ONE/UNITED BLUEGRASS CELLULAR CORP., AND)	
HORIZON CELLULAR TELEPHONE COMPANY OF)	CASE NO.
CENTRAL KENTUCKY, L.P., A DELAWARE)	93-048
LIMITED PARTNERSHIP, FOR APPROVAL OF THE)	
TRANSFER OF THE ASSETS AND LIABILITIES OF)	
DANBURY CELLULAR TELEPHONE CO. TO HORIZON)	
CELLULAR TELEPHONE COMPANY OF CENTRAL)	
KENTUCKY, L.P., AND RELATED FINANCING)	

O R D E R

On March 18, 1993, Vivian E. Warner filed a motion requesting intervention and the scheduling of an evidentiary hearing. The motion discloses that Ms. Warner is a resident of Tennessee, but does not disclose whether she is a customer of either Danbury Cellular Telephone Co. ("Danbury") or Horizon Cellular Telephone Company of Central Kentucky, L.P. ("Horizon"). The motion further indicates that Ms. Warner's interest in this case arises from her prior unsuccessful attempts to obtain a license from the Federal Communications Commission ("FCC") to operate a cellular telecommunications system in the same geographic areas being served by Danbury. The movant requests an opportunity to "bring forth information pertinent to the matter now before this Commission."

Based on the motion and being advised, the Commission hereby finds that its statutory authority in this case is limited to a determination of: (1) whether the person acquiring the utility has the financial, technical, and managerial abilities to provide

reasonable service pursuant to KRS 278.020(4); (2) whether the proposed acquisition is to be made in accordance with law, for a proper purpose, and is consistent with the public interest pursuant to KRS 278.020(5); and (3) whether the proposed financing is for some lawful object within the corporate purposes of the utility, is necessary or appropriate for or consistent with the proper performance by the utility of its service to the public and will not impair its ability to perform that service, and is reasonably necessary and appropriate for such purpose pursuant to KRS 278.300(3). The Commission has no jurisdiction to determine any rights, responsibilities, or obligations with respect to any person's entitlement to a license or permit issued by the FCC, and such issues are not appropriate to be raised in this forum.

Pursuant to KRS 278.020(5), the application to transfer is deemed to be approved if the Commission has not issued a decision within 60 days after the application filing date, which was February 8, 1993. Thus, the last date upon which the Commission could issue a decision is April 9, 1993. Due to the limited amount of time remaining for the Commission to rule on the merits of this case, a hearing will be scheduled at the earliest possible date for the receipt of testimony from Danbury and Horizon on the aforementioned issues set forth in KRS 278.020(4), 278.020(5), 278.300. We will grant Ms. Warner's motion to intervene and allow her to conduct cross-examination of the witnesses and present any evidence relevant to the issues within our jurisdiction.

IT IS THEREFORE ORDERED that:

1. Vivian E. Warner be and she hereby is granted full intervention.

2. A hearing be and it hereby is scheduled on March 25, 1993, at 10:00 a.m., Eastern Standard Time, in Hearing Room 1 of the Commission's offices at 730 Schenkel Lane, Frankfort, Kentucky.

3. Danbury and Horizon shall appear, by counsel, at the hearing and present testimony on the issues set forth in this Order.

Done at Frankfort, Kentucky, this 19th day of March, 1993.

PUBLIC SERVICE COMMISSION


For the Commission

ATTEST:


Executive Director